

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YESENIA PACHECO, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C15-1175RSL

ORDER FOR REMOTE CIVIL  
BENCH TRIAL

The court orders the following procedures and protocols for a remote trial starting on September 14, 2020, at 9:00 a.m.

A. Trial format

- ☐ Remote
- ☐ The entire trial will take place using the ZoomGov.com platform. The parties, counsel, and witnesses will not be physically present in the courtroom.
- ☐ The public will have access to an audio broadcast of the proceedings via a link published on the court's trial calendar. If the parties agree and consent to a video broadcast of the trial (agreement = video and audio broadcast for the public; no agreement = audio broadcast only for the public), they shall so

1 notify the courtroom deputy at Kerry\_Simonds@wawd.uscourts.gov by 10:00  
2 a.m. on September 4, 2020.

3 B. Preparation

- 4 ☐ Counsel shall review the King County CLE tutorials modified for federal  
5 court located at  
6 [https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJ](https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJMt9ulM-2)  
7 [Mt9ulM-2](https://www.youtube.com/playlist?list=PLQQODreSvdKHWF4JsOIQp8zMJMt9ulM-2) and familiarize themselves with:  
8 ☐ ZoomGov.com  
9 ☐ Box.com  
10 ☐ Testimony will be heard from 9:00-11:00 a.m. and 2:00-4:00 p.m. on Monday  
11 through Friday.  
12 ☐ Parties and counsel are to participate on September 8, 2020, at 10:00 a.m. with  
13 the court and its IT representative for a technology check. The courtroom  
14 deputy will supply the invitation link for those participating.  
15 ☐ Counsel shall ensure that they and each witness have the hardware, software,  
16 data bandwidth, and internet access required to testify remotely based on the  
17 minimum system requirements posted at  
18 <https://www.wawd.uscourts.gov/attorneys/remotehearings>. Counsel shall also  
19 ensure that parties and witnesses have an alternative means of communicating  
20 with each other outside the ZoomGov.com platform (*e.g.*, a cellphone).

21 C. Record

- 22 ☐ The court will provide a court reporter for the trial and a link to the audio  
23 (and, with consent, video) broadcast of the proceedings. No portion of the  
24

1 hearing shall be recorded or broadcast, in whole or in part, in any other  
2 fashion by any participant, witness, or public observer.

- 3 ☐ The parties and counsel agree that they will not record, via audio, video or  
4 screenshot, or permit any other person to record, via audio, video or  
5 screenshot, the hearing or any part of it. The parties and counsel will ensure  
6 that each additional attendee at the hearing for which that party is responsible  
7 also acknowledges and agrees to this prohibition on recording.

8 D. Witnesses and Participants

- 9 ☐ Counsel shall email the courtroom deputy at  
10 Kerry\_Simonds@wawd.uscourts.gov and provide the following for each  
11 party, attorney, or witness who will appear remotely:

12 ☐ Name

13 ☐ Email address

14 ☐ Phone number

15 ☐ Participant status (party, attorney, or witness)

- 16 ☐ The courtroom deputy will then supply the invitation link for those  
17 participating. When a participant remotely accesses the trial, the participant  
18 will first enter a virtual waiting room. The courtroom deputy will admit  
19 participants to the virtual court proceeding from the virtual waiting room.  
20 Counsel will be responsible for notifying witnesses when they are expected to  
21 report to the virtual waiting room. Counsel shall have a second witness on call  
22 at all times to testify in case a witness' connection is lost or other technical  
23 difficulties arise.  
24

E. Exhibits

- ☐ All exhibits will be uploaded by counsel to the “Box.com” website via a link that the courtroom deputy will email to counsel prior to the trial start date.
- ☐ Two hard copies shall be delivered to the U.S. Courthouse at 700 Stewart Street, Seattle, WA 98101 before 4:00 p.m. on September 9, 2020.
- ☐ Each witness testifying shall have a hard copy of any exhibit they will be expected to use or examine during the trial.
- ☐ The witness will not access the exhibits until instructed by examining counsel.
- ☐ Counsel or a *pro se* party shall certify that exhibits uploaded and the exhibits produced in hard copy are identical.
- ☐ The courtroom deputy will download each exhibit as it is admitted to create the court’s record.
- ☐ Depositions expected to be used for impeachment or trial testimony shall be delivered to the court under seal before 4:00 p.m. on September 9, 2020.
- ☐ The parties must comply with LCR 32 for the use of depositions at the trial, including video depositions.
- ☐ The court shall be notified if a video deposition is to be used as substantive evidence, and the video must be provided to the Court before 4:00 p.m. on September 9, 2020.

F. Professionalism During the Trial

- ☐ Ambient Noise Protocols
  - ☐ When the court, counsel, or a witness is speaking, please avoid interrupting the speaker.

1           □ Upon admission to the ZoomGov.com platform, participants shall  
2           mute their microphones and activate microphones when directed by  
3           the court (e.g. a witness shall activate the microphone when testifying  
4           as shall the examining and defending attorneys during witness  
5           testimony).

6           □ All participants who are not actively being questioned as a witness,  
7           asking questions of a witness, defending a witness, or providing or  
8           responding to opening statements, closing arguments, or other  
9           arguments, shall maintain their audio on mute to limit potential  
10          interruptions. The video hearing host also will have the ability to mute  
11          and unmute any participant if needed.

12          □ Any participants using multiple devices in a single workspace to  
13          access the trial should avoid audio feedback issues by, e.g., only using  
14          the microphone and speakers on one device at a time, or utilizing  
15          headphones.

16          □ To the extent possible, remote trial participants should conduct  
17          themselves in the same way they would if they were physically present  
18          in a courtroom. Remote participants should silence electronic devices  
19          other than devices necessary to remote participation, and generally  
20          take steps to minimize anything in their remote workspace that would  
21          distract from the integrity of the proceedings. The Court understands  
22          that conducting trial from one's home, for example, presents many  
23  
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challenges. The court asks all remote participants to do their best to maintain professionalism in order to conduct a fair and efficient trial.

☐ Objections

When an objection is made, the witness shall stop talking and let the court rule on the objection.

☐ Disconnection

☐ In the event that the court, a party, counsel, a witness, or anyone else necessary to the proceedings becomes disconnected from the remote trial, the trial will stop while the connection is reestablished.

☐ Counsel must ensure that a witness has an alternative means of communicating with counsel (e.g., a cellphone) in the event of disconnection.

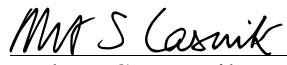
☐ Appropriate dress

Parties, witnesses, and counsel are to dress in the same manner as they would in a live courtroom.

☐ Screen Names

When remotely accessing the trial, remote participants should ensure that their screen name indicates their actual name.

Dated this 27th day of August, 2020.

  
Robert S. Lasnik  
United States District Judge